vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6024 OF 2007

Bapulal Babalal Shikalgar ... Petitioner

V/s.

Prataprao Rajaram Shinde ... Respondent

Mr.Uday Warunjikar for Petitioner
Mr.Dilip Bodake for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 6, 2007**

P.C.:

. The petitioner challenges the concurrent orders passed by the trial Court and the appellate Court whereby the plaintiff has been granted a temporary injunction in a suit filed by the plaintiff for a permanent injunction. It is the case of the plaintiff that the suit property is undivided and that the petitioner has been developing the property without having any title to it. Both the Courts below have held that it was necessary to protect the plaintiff with a temporary injunction.

2. I find that cogent reasons have been put forth by both the Courts below for the purposes of granting temporary injunction to the plaintiff. There is already a structure on the suit property from which the petitioner claims to run a business. Both the Courts

have directed that no further construction including erection of a boundary wall can be undertaken by the petitioner. In my view, there is no error apparent on the face of the record requiring interference from this Court under Article 227 of the Constitution of India.

3. Petition rejected.